

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CURELY JAMES BOYKIN, et. al,
Plaintiffs,

VS.

**CARRIE HUCKLEBRIDGE, et al.,
Defendants.**

No. 3:13-CV-4643-D-BH

RECOMMENDATION REGARDING REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL

Pursuant to *Amended Miscellaneous Order No. 6* (adopted by *Special Order No. 2-59* on May 5, 2005), before the Court are the Plaintiff's *Motions for Leave to Proceed in forma pauperis on appeal*, received September 23, 2014 (docs. 30 and 31).

- (X) The requests for leave to proceed *in forma pauperis* on appeal should be **DENIED** because the Court should certify pursuant to Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith.
- (X) Although this appeal should be certified as not taken in good faith under 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3), the plaintiff/applicant may challenge this finding pursuant to Baugh v. Taylor, 117 F.3d 197 (5th Cir. 1997), by filing a separate motion to proceed IFP on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of the district court's order. The cost to file a motion to proceed on appeal with the Fifth Circuit is calculated below, and if the plaintiff/appellant moves to proceed on appeal IFP, the prison authorities should be directed to collect the fees as calculated in this order:
- (X) Appellant/applicant should be assessed an initial partial fee of **\$13.83**.
- (X) Thereafter, the prisoner should pay **\$491.17**, the balance of the filing fees, in periodic installments. The appellant is required to make payments of 20% of the preceding month's income credited to the appellant's prison account until appellant has paid the total filing fees of \$505.00.

SIGNED this 29th day of September, 2014.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE